

LIVING WITH A RELATIVE OR GUARDIAN

Purpose: This category explains the requirements for a child to live with a relative, guardian, or custodian to be eligible for TANF or SFA.

Effective March 1, 2001

WAC 388-454-0005 Can I get TANF or SFA benefits for the child living with me?

- (1) You can get Temporary Assistance for Needy Families (TANF) or State Family Assistance (SFA) for a child you live with if you are responsible for the care and control of the child and you are the child's:
 - (a) Parent or other relative as defined in WAC 388-454-0010;
 - (b) Court-ordered guardian or court-ordered custodian; or
 - (c) Other adult acting *in loco parentis* (in the place of a parent).
- (2) If a child lives with more than one relative or parent because the relatives share custody of the child:
 - (a) We include the child in the Assistance Unit (AU) of the parent or relative that the child lives with for the majority of the time; or
 - (b) If relatives share physical custody of the child in equal amounts, we include the child in the AU of the parent or relative that first applies for assistance for the child.
- (3) If you or the child in your AU is temporarily absent from the home according to WAC 388-454-0015 and 388-454-0020, you can still get TANF or SFA during the absence.

CLARIFYING INFORMATION**1. Court ordered custody:**

The parent that a child actually lives with for the majority of the time is treated as the child's caretaker no matter which parent has legal custody under a court order. The

exception is when a child stays with a non-custodial parent as part of the parent's visitation rights and this visit lasts less than 90 days (see WAC 388-454-0015). Occasionally, you can use a court-ordered parenting plan to resolve questions about a child's residence or day-to-day care and control. For example, a parent named as the custodial parent in a "shared-parenting" plan (i.e., equal residential time with each parent) is the child's caretaker when this doesn't conflict with the child's actual circumstances.

2. Dependency orders:

We can use a court order that places a child with a non-parental relative (e.g., a dependency order issued by a juvenile court) to show a caretaker relationship.

3. When a tribal court is the child's guardian or custodian:

A tribal court may be the legal guardian or custodian of a child and then assign a tribal member as the custodian. A tribal member who cares for a child in this circumstance may get TANF for the child even though the tribal member is not the guardian or custodian on the court papers.

4. When an adult is acting *in loco parentis*:

- Case law defines *in loco parentis* as "in the place of a parent".
- An adult must have intentionally taken over the duties of a parent and be responsible for exercising the day-to-day care and control of the child for us to consider them acting *in loco parentis*.
- An adult who is acting *in loco parentis* without court-ordered custody must pass a background check under WAC 388-454-0006 for the child to be eligible for TANF/SFA.
- An adult who is acting *in loco parentis* must still assign rights to child support and cooperate with DCS.

5. When a TANF child becomes a ward of the court:

For TANF or SFA, we count a child who is a ward of the Juvenile Court or delegated agency as still living with a relative **only** when the relative continues to carry out the day-to-day care and control of the child.

WORKER RESPONSIBILITIES

1. Verify who lives in the home to decide if the child lives with the person who claims to be caring for the child.
2. Resolve any questions about where the child lives the majority of the time and who carries out the child's day-to-day care and control (see below for temporary absence situations).
3. **Deciding if an unrelated adult is acting *in loco parentis*:**
 - a. If an unrelated adult who isn't a court-ordered guardian or court-ordered custodian states they are acting in the place of a parent, you must decide if they are acting *in loco parentis*. To decide if the adult has taken over the daily care and control of the child, have the adult review and sign the **Statement of Adult Acting *in Loco Parentis*** (Appendix I) and ask them the following questions (as appropriate for the child's age):
 - Do you provide basic food, shelter and clothing for the child?
 - Do you get the child up and ready in the morning?
 - Do you make sure the child gets to school or daycare?
 - Do you help the child bathe?
 - Do you prepare meals for the child?
 - Do you do attend parent / teacher conferences?
 - Do you take the child to regular medical or dental appointments?
 - Do you act as the emergency contact at school?
 - Do you sign up and take the child to extra-curricular activities?
 - Do you provide guidance and discipline to the child?

NOTE: An adult does not have to do all the above activities to be acting *in loco parentis*. These are just examples of some of the things an adult acting *in loco parentis* may do.

- b. If you are not sure if the adult is acting *in loco parentis*, refer the case to social services for assistance.
 - c. If the adult is acting *in loco parentis*, **and** passes the background check required under WAC 388-454-0006, the child is eligible for TANF/SFA:
 - (1) Document which child or children the adult acts as a parent for in the Remarks of the STAT screen for the AU;
 - (2) Refer the adult(s) for a background check as required under WAC 388-454-0006; and
 - (3) Notify the child's parent that TANF/SFA was approved as required in the Worker Responsibilities under WAC 388-454-0025.
 - d. If the adult **is not** acting *in loco parentis*, deny TANF/SFA.
4. **If the courts place a child with a non-parental relative by court order (e.g., a dependency order) and a parent of the child moves into the home:**
- a. Count the parent, not the relative the court placed the child with, as the child's caretaker relative. Redetermine eligibility for TANF or SFA. See WAC 388-408-0015 to decide who must be in a TANF/SFA AU.
 - b. If you have a reason to believe the parent won't use the assistance for the child's benefit, refer the client (the parent) for a protective payee. Don't change the payee until you receive notification that the AU needs a protective payee under WAC 388-265-1250.
 - c. Notify the Division of Children and Family Services Child Protective Services (CPS) if the court order restricts contact between the child and a parent or if there is a history of abuse or neglect of the child by a parent.
- NOTE:** There isn't an overpayment for the period before the date you redetermine eligibility even if the effective date for the change (i.e., a parent moving into the home) was before the payment action.
5. **When you find out a recipient child doesn't live in the home:**

- a. Decide if the child's absence is temporary or permanent. Don't reduce or terminate assistance until you decide the absence isn't temporary.
 - b. If the child's absence started out as temporary, but became permanent (for example, when the parents agree to a custody change during a visit), use the first of the month after the month the absence became permanent as the effective date.
 - c. If the court placed the child with a relative under a dependency order and the order limits contact with the relative who currently has physical custody of the child, notify CPS.
6. **When a relative applies to get assistance for a child and the child currently gets assistance with another relative, decide which relative is the child's caretaker:**
- a. If the relative who applied for the child is a non-custodial parent, decide if the child is on a visit and will return to the custodial parent at the end of the visitation period (90-day limit). The non-custodial parent isn't eligible for assistance for the child during a visit.
 - b. If the parents decide to change physical custody during a visit, provide the current payee with advance and adequate notice before you change the grant. There isn't an overpayment for the period before the grant change if you reduce or terminate assistance within 90 days of the start of the visit. Do **not** authorize assistance for the current custodian before the effective date for the end of assistance for the child to the other parent.
 - c. If a child's living situation changes at a time other than a visit, decide when the living arrangement changed, redetermine the child's eligibility and establish an overpayment if appropriate. Authorize benefits for the current caretaker effective the date you determine eligibility. Set up an overpayment for any overlapping assistance.

EXAMPLE 1

Mother has legal custody of the child and gets SFA. She contacted the worker on 6/5 to tell them the child left to visit her father for two months during the summer. The father applied for the child on 7/10 saying the child chose to live with him during the coming school year. When the worker contacted the mother, she verified that the child wouldn't return at the end of the summer. The worker must terminate the mother's grant effective 7/31 following advance notice requirements and authorize benefits for the child and her father effective 8/1.

EXAMPLE 2

Grandmother applied for her grandchild on 7/5. The child's father gets TANF for the child. The grandmother says that the father left the child with her on 5/10 and hasn't made plans to take the child back. According to the grandmother, he lives with his new girlfriend and she doesn't want the child in the home. The father didn't respond to the worker's written request for information about physical custody of the child. The grandmother provided the needed information to establish eligibility on 7/10. The worker would terminate assistance to the father on 7/31 following advance and adequate notice requirements and set up an overpayment for June and July. The worker would then authorize assistance for the grandmother effective 7/10.

Effective January 7, 2002

WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody.

- (1) We check your background when you ask for TANF or SFA benefits for a child who:
 - (a) Is not related to you; and
 - (b) Lives with you but you do not have a court order that gives you legal custody of the child.
- (2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background check and the results of the background check meet the criteria in subsection (3) through (5).
- (3) A child who is not related to you cannot receive benefits while living with you if:

- (a) You have been convicted of a crime listed in WAC 388-06-0170; or
- (b) You have been convicted of a crime listed in WAC 388-06-0180 within the last five years.
- (4) We review your background when you have been convicted of a crime listed in WAC 388-06-0180 more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:
 - (a) The amount of time that has passed since you were convicted;
 - (b) The seriousness of the crime that led to the conviction;
 - (c) The number and types of convictions in your background; and
 - (d) Your age at the time of the conviction.
- (5) When you have a conviction for a crime other than those listed in WAC 388-06-0170 or 388-06-0180 we review your background as described in subsection (4) above.
- (6) ~~Expunged or sealed conviction records do not count against you.~~

CLARIFYING INFORMATION

The background check must be completed and reviewed before opening TANF/SFA for a child.

WORKER RESPONSIBILITIES

Take the following actions when no adult in a TANF/SFA household is related to a child as required in WAC 388-454-0010 and the adult(s) do not have court-ordered custody:

1. Complete the **Background Inquiry Application** for all adults in the household (this form is available in Word and Adobe Acrobat PDF) and send the completed form to the Background Check Central Unit at:
 - a. FAX: 360.902.0292; or
 - b. Mail Stop: 45035.

2. Review the results of the background check to determine if the child is eligible for TANF/SFA. A child is not eligible for TANF/SFA benefits when the background check shows that the adult:
 - a. Has a pending charge for a disqualifying crime (WAC 388-06-0170);
 - b. Has a conviction for a disqualifying crime;
 - c. Is not of sufficient physical, emotional, or mental health to meet the needs of the child; or
 - d. Is considered a risk of harm to the child based on available information.
3. Deny TANF/SFA benefits when the background check disqualifies the adult(s).
4. If you have any reason to suspect that the child is at risk of abuse or neglect, refer the case to CPS using the statewide hotline at 1.800.562.5624 or 1.886.ENDHARM. Examples of when the child may be at risk include:
 - a. The background check shows the adult has a disqualifying charge or conviction for a violent crime;
 - b. The background check or other information shows that someone accused the adult of abuse or neglect and a state agency found evidence to support this claim. CPS calls this a substantiated claim;
5. Refer the case to social services for evaluation of the home situation as recommended by further review of the background check.
6. Document the results of the background check on the Remarks of the adult's DEM1 screen.

Effective March 1, 2001

WAC 388-454-0010 Do I have to be related to a child in order to get TANF or SFA for the child?

To get TANF or SFA, a child must live with a parent, other relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis*.

- (1) We consider the following people as parents for TANF and SFA:
 - (a) The child's natural or adoptive parent; or
 - (b) A stepparent who is legally obligated to support the child.
- (2) We consider a man as a child's natural father if the relationship is:
 - (a) Made under a judgment or order under RCW 26.26.130 that set the relationship between the parent and child; or
 - (b) Presumed under the Uniform Parentage Act (RCW 26.26.040).
- (3) When a child lives with a relative, the relative must be one of the following relationships to the child in order for that child to be eligible for TANF or SFA:
 - (a) The following blood relatives (including relatives of half blood) or their spouses: siblings, first cousins (including first cousins once removed), nephews and nieces, and persons of earlier generations (including aunts, uncles and grandparents) as shown by the prefixes of great, great-great, or great-great-great;
 - (b) A natural parent whose parental rights were terminated by a court order;
 - (c) A stepparent who no longer has to support the child because:
 - (i) The child's natural or adoptive parent died; or
 - (ii) Divorce or dissolution ended the marriage between the stepparent and the child's natural or adoptive parent.
 - (d) A stepsibling even if the marriage between the stepsibling's parent and the child's natural or adoptive parent ended by death, divorce or dissolution.

CLARIFYING INFORMATION

1. Uniform Parentage Act:

State law defines the parent and child relationship at RCW chapter 26.26. This is also known as the Uniform Parentage Act or UPA. Under the UPA, paternity is set under a court order (e.g., a paternity order) or presumed under certain circumstances. The following list of circumstances is not all-inclusive, but covers the circumstances a worker is most likely to see. Under the UPA, we presume a man to be a child's father when:

- a. He receives the child into his home and openly holds out the child as his own (that is, he says that he is the child's father);
- b. His name is on the child's birth certificate issued by the Department of Health;
- c. He admitted he is the child's parent by completing an affidavit, along with the child's mother, at the time of the child's birth and the affidavit was filed with the state registrar of vital statistics. The DOH 110-001 Paternity Affidavit meets this requirement. See **CHILD SUPPORT** for instructions on how to complete and file this form;
- d. He and the child's natural mother are or have been married to each other and the child was born:
 - (1) During the marriage; or
 - (2) Within three hundred days after the date the marriage ended by death, annulment, declaration of invalidity, divorce or dissolution, or a decree of separation by a court of law; or
- e. The United States Immigration and Naturalization Service (INS) made or accepted a finding that he was the father of the child at the time of the child's entry into the United States.

NOTE: Even if we presume that a man is the child's father under the UPA, we don't continue to presume this if there is clear and convincing evidence that shows he is not.

2. A stepparent's obligation to support a child:

Under RCW 26.16.205, a stepparent's legal obligation to support a stepchild ends when:

- a. The marriage to the child's natural or adoptive parent ends through death or the entry of a decree of dissolution;
- b. A decree of legal separation is entered; or
- c. Either spouse files a petition for dissolution or legal separation and the court grants a motion to terminate the stepparent's obligation to support the child.

3. **How to determine if a relative is eligible to receive TANF for a child:**

Only certain caretaker relatives who live with a child are eligible to receive TANF for the child. Use the chart below to identify the relationship between a child and the caretaker relative. (The chart is based on the system courts and most genealogical societies use to determine how people are related.)

- a. Start in the upper left corner with the parent (including grandparent, great-grandparent, etc.) the child and caretaker relative have in common.
- b. Follow the list down to find the **row** showing the child's relationship to the common parent. (Remember this identifier).
- c. Go back to the Common Parent box.
- d. Follow the list across to find the **column** showing the caretaker relative's relationship to the common parent. (Remember this identifier.)
- e. The box where the **row identified for the child** and the **column identified for the caretaker relative** meet shows the relationship between the child and the caretaker relative.
- f. **Boxes with and "X" identify relatives that can get TANF for a child as either a needy or non-needy caretaker relative.**

<i>Closest Common Parent</i>	Child	Grandchild	Great Grandchild	2 Great Grandchild	3 Great Grandchild
Child	X SIBLING (brother or sister)	X Nephew or Niece	X Grand Nephew or Niece	X Great Grand Nephew or Niece	X Second Great Grand Nephew or Niece
Grandchild	X Nephew or Niece	X FIRST COUSIN	X First Cousin once removed	X First Cousin twice removed	X First Cousin 3 times removed
Great Grandchild	X Grand Nephew or Niece	X First Cousin once removed	SECOND COUSIN	Second Cousin once removed	Second Cousin twice removed
2 Great Grandchild	X Great Grand Nephew or Niece	X First Cousin twice removed	Second Cousin once removed	THIRD COUSIN	Third Cousin once removed
3 Great Grandchild	X Second Great Grand Nephew or Niece	X First Cousin 3 times removed	Second Cousin twice removed	Third Cousin once removed	FOURTH COUSIN

NOTE: Boxes in **SMALL CAPS** show persons of the same generation. "Removed" means the two people are not in the same generation. (A first cousin once removed is the child of someone's first cousin.)

EXAMPLE

Ryan is Mildred's great grandson. Tim is Mildred's grandson. Mildred is the closest ancestor they have in common. (Tim is not Ryan's father or uncle.) Tim and Ryan are first cousins, once removed.

4. Non-parental relationship set by court order:

A person is a non-parental relative of specified degree if:

- a. The person is named as a relative in a court order or judgment; and
- b. The relationship between the relative and the child is included in WAC 388-454-0010(3).

WORKER RESPONSIBILITIES

1. Verify the relationship between AU members if it is questionable.
2. If the child lives with the father or a paternal relative and the relationship wasn't established by marriage, verify the father's relationship to the child. Some ways to verify this include:
 - a. A copy of a paternity order or birth certificate with the father's name.
 - b. Tribal records.
 - c. Statements from the child's mother and father.
 - d. Collateral statements from disinterested parties verifying the father received the child into his home and held out the child as his own.
 - e. If both parents are applying for the child, give them the opportunity to complete the DOH 110-001 Paternity Affidavit. See **CHILD SUPPORT**.
3. If an INS decision or court order determined the relationship, file a copy of the verification in the case record.

Effective September 1, 1998

WAC 388-454-0015 Temporary absence from the home.

The child or the caretaker is temporarily absent from the home as long as the caretaker continues to be responsible for the care and control of the child. Temporary absences cannot exceed ninety days except as described below. A caretaker must report a child's absence in excess of ninety days as required under WAC 388-418-0005. Temporary

absences include:

- (1) Receiving care in a hospital or public or private institution. If the temporary care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.
- (2) Receiving care in a substance abuse treatment facility. If the care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.
- (3) Visits in which the child or parent will be away for ninety days or less, including visits of a child to a parent who does not reside in the child's home.
- (4) Placement of a child in foster care when the child's caretaker is receiving care in a residential treatment facility or for other reasons as determined by the division of children and family services (DCFS). DCFS must determine that the child is expected to return to the home within ninety days of the foster care placement.
- (5) Placement of a child in foster care or in the temporary care of a relative, when:
 - (a) A parent or other relative applies for TANF or SFA on behalf of the child;
 - (b) DCFS has determined the child will be placed in the care of the applying relative within thirty days following the authorization of assistance; and
 - (c) No concurrent TANF or SFA payments are made for the child while in the temporary care of a relative.
- (6) The child or caretaker is attending school or training as described in WAC 388-454-0020.

CLARIFYING INFORMATION

1. Length of absence:

In most cases, the client must know the expected length of an absence. For us to treat an absence as temporary, we must expect it to be less than 90 days unless it meets one of the exceptions in WAC 388-454-0015. An exception to this would be

if the absent member is in a long-term hospitalization or convalescent care and their medical condition makes it impossible to know when they would return to the home.

2. When an AU member in the military is stationed away from home:

If an AU member working in the military is stationed away from home, we must decide if this meets the definition of a temporary absence under WAC 388-454-0015:

- a. Keep them in the AU and budget their income to the AU if the client is temporarily absent; or
- b. Remove the client from the AU if they do not meet the “temporarily absent” criteria in WAC 388-454-0015. The client left in the AU must assign any child support rights to the AU.

NOTE: Since we no longer have a deprivation requirement for TANF, do not close or deny TANF just because an AU member is serving in the military. Verify the absence is temporary under WAC 388-454-0020.

WORKER RESPONSIBILITIES

2. Intent to return / care and control:

Treat an absence as temporary when the AU member intends to return to the family home. Verify that the AU member's absence is temporary and document the AU's circumstances in the case record.

For a child: The child's caretaker must still be responsible for the child even though someone outside the home has the day-to-day care and control of the child.

For an adult: The adult must still be responsible for the care and control of a child in the home.

2. “Runaway” children:

Do **not** treat an absence as temporary if:

- a. The client doesn't know when the absence will end;
- b. There isn't a clear expectation for the child to return to the home; and
- c. The child's caretaker can't exercise control over the child.

NOTE: Families of runaways may contact the Division of Children and Family Services (DCFS) for Family Reconciliation Services.

3. Foster care:

Treat a child in foster care as temporarily absent if DCFS states the child will return to the family home within 90 days for recipients or 30 days for applicants.

When you get a DSHS 14-226(X), Coordinated Benefits Referral from DCFS:

- a. Continue benefits for a child that gets TANF/SFA while they are in foster care if DCFS states the absence is temporary and expects it to last less than 90 days;
- b. Authorize assistance to an applicant caretaker if DCFS verifies the child will return to the home within 30 days. **If the child lived with a relative and was not in foster care, do not authorize concurrent benefits for the child.**
- c. Terminate assistance for a TANF/SFA child when DCFS states the child won't return to the home within 90 days.
- d. Complete the response section of the DSHS 14-226(X) and return the original to DCFS.

4. Reporting a child's absence:

If a TANF AU knows that a child will be out of the home for more than 90 days, and they fail to tell the department within 5 days of the date they know of this, disqualify the client for TANF as required under WAC 388-418-0005:

- a. If the absent child was the only eligible child, terminate the grant; or
- b. If an eligible child is still in the home, exclude the needs of the caretaker for

one month effective the first of the following month.

EXAMPLE

A mother and two children get TANF. The client reported on 6/10 that one child was going to visit her father for the summer and return on 8/28. The worker set an alert for 9/1 to confirm that the child has returned. On 9/4 the worker sent a letter requesting information about whether or not the child has returned. On 9/13 the client called the CSO and told the worker that the child will stay with her father. The client stated she knew this on 8/26. In this instance, the worker would not do anything to the client's September benefits. If the client reported timely, there wouldn't be time to give the client notice and make the change. The worker would remove the mother's needs for October. Since there is still a child in the home, the AU would get a one-person grant for October. The worker would reinstate the mother for November.

ACES INSTRUCTIONS

Set an ACES alert to ensure that the absent member has returned to the home by the end period we expected them to be gone. For long-term hospitalization or substance abuse treatment, set an alert to reduce the grant payment to the appropriate CPI level after 90 days.

WAC 388-454-0020 Temporary absence to attend school or training.

A child or caretaker is temporarily absent from the home to attend school or training when:

- (1) The child's caretaker is attending a department approved vocational training program; or
- (2) The child attends school or training away from home, as long as:
 - (a) The child returns to the family home during a year's period, at least for summer vacation; and
 - (b) The absence is necessary because:

- | | |
|-------|--|
| (i) | Isolation of the child's home makes it necessary for the child to be away to attend school; |
| (ii) | The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs; or |
| (iii) | Specialized education or training is not available in the child's home community and is recommended by local school authorities. |

CLARIFYING INFORMATION**1. Caretaker in a training program:**

A caretaker's absence to attend a training program is a temporary absence when the training is an approved part of the caretaker's Individual Responsibility Plan.

2. Child in Job Corps:

A child's participation in Job Corps is a temporary absence if they meet the requirements under 388-454-0020(2)(b)(iii).

WORKER RESPONSIBILITIES

1. Verify that the member's absence meets the education or training requirements and the date the absence will end. Document the client's circumstances in the case record.
2. Set an ACES alert to ensure that the absent member is back in the home by the end of the period we expected them to be gone.

Effective January 7, 2002

WAC 388-454-0025 The department notifies a child's parent when we approve assistance and the child is living with someone other than their parent.

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| (1) | The department makes a reasonable effort to contact the parent with whom the child last lived when we find out that a child applying for assistance lives with someone other than the child's parent. We tell the parent: |
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- (a) Within seven days of the date we approve assistance for the child;
 - (b) How to ask for family reconciliation services from the department; and
 - (c) How to request the child's address and location as allowed under WAC 388-428-0010.
- (2) We do not notify the parent when there is evidence to support a claim that the parent has abused or neglected the child.

CLARIFYING INFORMATION

Notification Required Under State Law

State law requires us to notify parents within seven days of approval of assistance when a child receives benefits and lives with someone other than a parent. (RCW 74.12.450, 74.12.460, and 13.32A.080). The CSO public disclosure coordinator is responsible for replying to a parent's request for the address and location of the child. See

CONFIDENTIALITY

WORKER RESPONSIBILITIES

1. When the client or anyone else states that the parent with whom the child most recently lived either abused or neglected the child, report the statements immediately to the CPS statewide hotline at **1-800-562-5624 or 1.886.ENDHARM**.
2. Do **not** notify the parent when there is evidence to support the claim of abuse or neglect. Examples of evidence that supports a claim of abuse or neglect include:
 - a. A court dependency order that states the child has been abandoned, abused, neglected or doesn't have a parent who is willing or able to care for the child;
 - b. Proof that a court convicted the parent of the abuse or neglect of the child;
 - c. The child's placement in a home by Child Protective Services (CPS) to protect them from immediate harm or continuing abuse or neglect; or

- d. A finding by the department that there is enough evidence to support a claim that the child has been abused or neglected by the parent. For example, the department approved a good cause claim for non-cooperation with child support collection or a completed CPS investigation shows evidence to support a claim of abuse or neglect.
- 3. Make a reasonable effort to find out the current or last known address of the parent the child last lived with. This includes:
 - a. Asking the caretaker and/or child for the information;
 - b. Reviewing the DSHS 14-057, Absent Parent Referral;
 - c. Looking in local telephone directories; or
 - d. Checking the parent's name against the ACES, SEMS or CAMIS databases if you have access to these systems.
- 4. Make a reasonable effort to notify the child's parent as soon as possible when you discover a child is living with someone other than the child's parent without the parent's consent and there is no credible claim of abuse or neglect by the parent.
- 5. Notify the child's parent using DSHS 14-402(X), Notice to Parents and Publication DSHS 22-448(X), We Want to Help-Family Reconciliation Services.

Appendix I (Example only – Do Not Use)



FILL OUT THIS FORM IF YOU ARE CARING FOR A NEEDY CHILD YOU ARE NOT RELATED TO AND YOU DO NOT HAVE COURT-ORDERED CUSTODY OR GUARDIANSHIP OF THE CHILD.

TANF/SFA FOR CHILDREN LIVING WITH UNRELATED ADULTS

STATEMENT OF ADULT ACTING *IN LOCO PARENTIS* (AS A PARENT)

SECTION 1. AGENCY INFORMATION (COMPLETED BY AGENCY STAFF ONLY)			
1. COMMUNITY SERVICE OFFICE (CSO)	2. CASE MANAGER NAME	3. UNRELATED ADULT'S CLIENT ID NUMBER	
SECTION 2. INFORMATION ON ADULT CARING FOR THE CHILD (PLEASE PRINT CLEARLY)			
3. LAST NAME	4. FIRST NAME	5. MIDDLE NAME	6. PHONE NUMBER (INCLUDE AREA CODE) ()
7. CURRENT ADDRESS (STREET, CITY, AND ZIP CODE)			
8. PREVIOUS ADDRESS (STREET, CITY, AND ZIP CODE)			
SECTION 3. INFORMATION ON THE CHILD'S PARENTS (PLEASE PRINT CLEARLY)			
9. NAME OF CHILD'S MOTHER	10. MOTHER'S PHONE NUMBER ()	11. MOTHER'S CURRENT OR LAST KNOWN ADDRESS	
12. NAME OF CHILD'S FATHER	13. FATHER'S PHONE NUMBER ()	14. FATHER'S CURRENT OR LAST KNOWN ADDRESS	
SECTION 4. INFORMATION ABOUT YOUR RELATIONSHIP WITH THE CHILD (PLEASE PRINT CLEARLY)			
15. DO YOU HAVE PERMISSION FROM THE CHILD'S PARENTS TO CARE FOR THE CHILD? YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES, IS IT IN WRITING? YES <input type="checkbox"/> NO <input type="checkbox"/>			
16. EXPLAIN HOW THE CHILD CAME TO LIVE WITH YOU:			
17. HOW LONG DO YOU EXPECT THE CHILD TO LIVE WITH YOU? _____			
18. ARE YOU PLANNING TO SEEK COURT-ORDERED CUSTODY OR GUARDIANSHIP? YES <input type="checkbox"/> NO <input type="checkbox"/>			
SECTION 5. INFORMATION ABOUT THE CARE AND CONTROL OF A CHILD			
"IN LOCO PARENTIS" MEANS IN THE PLACE OF A PARENT OR INSTEAD OF A PARENT.			
In order for the department to decide that you are acting <i>in loco parentis</i> , you must have intentionally taken over the duties of a parent.			
WE CONSIDER YOU AS ACTING <i>IN LOCO PARENTIS</i> <ul style="list-style-type: none"> • THE CHILD'S PARENTS ARE ABSENT 			

ELIGIBILITY A-Z**Living with a Relative**

WHEN:	<ul style="list-style-type: none">• YOU ARE NOT THE CHILD'S LEGAL GUARDIAN OR CUSTODIAN; AND• YOU HAVE TAKEN OVER THE DAILY CARE AND CONTROL OF THE CHILD.
<p style="text-align: center;">Below are examples of duties an adult acting in loco parentis will do. By signing this form, you are stating that you carry out the daily care and control of the child and act <i>in loco parentis</i>.</p>	
<ul style="list-style-type: none">• Provide basic food, shelter, and clothing for the child.• Get the child up and ready in the morning.• Make sure the child gets to school or daycare.• Help younger children bathe and dress.• Prepare meals for the child.	<ul style="list-style-type: none">• Attend parent / teacher conferences.• Take the child to regular medical or dental appointments.• Act as the emergency contact at school.• Sign up and take the child to extra-curricular activities.• Provide guidance and discipline to the child.
<p>By signing this form, I state that I provide care and instruction with the child's best interest in mind. I know the department will conduct a background check to decide if there is a reason that the child may not continue to get benefits while living with me. I understand that the child cannot receive benefits while they live with me if I do not meet the requirements for an in-home/relative child care provider under chapter <u>388-290</u> WAC. I also know that if the results of the background check raise concerns about the child's health, safety, or welfare, the department will make a referral to child protective services (CPS) and release the results of this check. I know that if I give incorrect information on this form on purpose, the laws of the State of Washington consider it perjury.</p>	
SIGNATURE OF ADULT ACTING IN LOCO PARENTIS	DATE



Washington State
DEPARTMENT OF
SOCIAL & HEALTH
SERVICES

BACKGROUND INQUIRY APPLICATION

- ☐ WORKING CONNECTIONS CHILD CARE (WCCC)
- ☐ TANF/SFA FOR A CHILD LIVING WITH AN ADULT ACTING *IN LOCO PARENTIS* (AS A PARENT)

Revision #241
December 1, 2002

<ul style="list-style-type: none">• For child care, I must notify the parent of the child I provide care for.• For TANF/SFA, I must notify my DSHS worker.		
26. SIGNATURE OF PERSON TO HAVE BACKGROUND CHECK		27. DATE
SECTION 3. PARENT OR GUARDIAN MUST READ AND SIGN BELOW FOR WCCC (COMPLETE ALL INFORMATION) (PLEASE PRINT CLEARLY)		
<p>It is my responsibility to determine the appropriateness of my chosen child care provider. When I choose a provider who does not need to be licensed, it is my responsibility to monitor the quality of child care provided. The State of Washington will not license or monitor my in-home/relative provider.</p> <p>The information DSHS will receive from the Washington State Patrol (WSP) may not be accurate or up-to-date, and it will only contain criminal history information that local law enforcement agencies have given to the WSP. I understand that I will receive the results of the criminal background check.</p> <p>I agree to indemnify, release and hold the State of Washington, Department of Social and Health Services, harmless from any liability, claims, and/or damages to property or for personal injuries resulting from the acts or omissions of the in-home/relative provider selected by me.</p> <p>By signing this form, I understand that my provider will have a criminal background inquiry and may not qualify for child care payment.</p> <p>I understand that my provider is to report any convictions or charges pending against him/her to me. It is my responsibility to immediately report this information to my authorizing worker.</p>		
28. PARENT/GUARDIAN'S SIGNATURE	29. DATE	30. PRINT PARENT/GUARDIAN'S NAME HERE
31. CURRENT MAILING ADDRESS (STREET, CITY, AND ZIP CODE)		

Applicant: Return this form to the DSHS Community Services Office (CSO) at the address above.

WCCC Worker/Case Manager: Mail to Background Check Central Unit, Mail Stop: 45035, OR fax to (360) 902-0292